

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002/M212	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP 03/04715	International filing date (day/month/year) 06.05.2003	Priority date (day/month/year) 16.05.2002
International Patent Classification (IPC) or both national classification and IPC C07D213/82		
Applicant BAYER CROPSCIENCE GMBH et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I Basis of the opinion
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 18.11.2003	Date of completion of this report 06.08.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Helps, I Telephone No. +49 89 2399-8209



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/04715

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-149 as originally filed

Claims, Numbers

1-10 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/04715

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-10
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-10
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-10
	No:	Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/04715

V. CITATIONS AND EXPLANATIONS

The following document is mentioned in this report.

EP-A-0,580,374

(A)

The novel feature of the compounds of claim 1 is the group NR₂R₃ in formula (A), and the group WR₄ in formula (B), in which R₄ is a substituted alkyl, or an alkenyl, alkynyl or cycloalkyl group. The dependent claims 2-7, as well as claim 8 drawn to processes for the preparation of compounds of claim 1, claim 9 drawn to pesticidal compositions containing compounds of claim 1 and claim 10 drawn to the use of compounds of claim 1 as pesticides are novel by consequence. Claims 1 to 10 therefore meet the Novelty requirements of Article 33(2) PCT.

It is known from document (A) that 4-trifluoromethyl-pyridyl-3-carboxamides are useful as pesticides. Examples 47, 48 and 51 of (A) describe compounds in which the carboxamide is substituted by a methylidene group. Some compounds of document (A) have been tested for root-systemic activity against aphids at a concentration of 800ppm (see Test Example 2). However, examples 47, 48 and 51 were not tested in this assay. Some representative presently claimed compounds have been shown to have root systemic activity at a concentration of 10ppm, including C-43 which is structurally close to examples 47, 48 and 51 of (A). It would not have been obvious for the skilled man from the disclosure of (A) that the presently claimed methylidene substituted compounds would show root systemic activity at such a low concentration. On this basis, inventive step (Article 33(3) PCT) can be recognised because the problem of providing improved pesticides has been credibly solved in a non obvious manner.